

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GILLESPIE & POWERS, INC.,

Plaintiff,

v.

ALCOA WARRICK LLC, WARRICK
REAL ESTATE LLC and KAISER
ALUMINUM WARRICK, LLC,

Defendants.

Case No. 1:23-cv-00273-GBW

JOINT MOTION FOR ENTRY OF AGREED SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 16 and Local Rule 16.1, Plaintiff Gillespie & Powers, Inc. (“Gillespie”), and Defendants Alcoa Warrick LLC and Kaiser Aluminum Warrick, LLC (collectively, “Kaiser”), jointly move the Court to enter the Agreed Scheduling Order attached hereto. Defendant Warrick Real Estate LLC (“Warrick”) has not agreed to the Agreed Scheduling Order or the deadlines therein. Warrick’s position is a scheduling order is premature given its pending motion to dismiss. Gillespie and Kaiser’s position is that, given this action was filed over three years ago, the time has come to enter a scheduling order. In support of this Joint Motion, Gillespie and Kaiser state as follows:

1. On January 14, 2022, Gillespie filed its Complaint initiating this lawsuit. [Dkt. 1].
2. Kaiser subsequently removed the action to the Southern District of Indiana on February 8, 2022 [Dkt. 2], and then filed a Motion to Transfer the action to this Court on March 13, 2022 [Dkt. 13]. The Court granted Kaiser’s Motion to Transfer on March 13, 2023. [Dkt. 39]. Gillespie then filed a Motion for Reconsideration regarding that order on April 12, 2023 [Dkt. 54], which the Court denied on March 20, 2024 [Dkt. 66].
3. On April 3, 2024, Warrick filed a Motion to Dismiss, which is pending. [Dkt. 67].

4. The parties conferred, and Gillespie and Kaiser prepared the proposed scheduling order submitted herewith in accordance with the Court's form and the parties' expectations with respect to pretrial deadlines.

5. Gillespie and Kaiser believe that given the length of time this case has been pending, a scheduling order should be entered at this time notwithstanding Warrick's pending motion to dismiss and jointly move the Court for entry of the Agreed Scheduling Order submitted herewith.

WHEREFORE, for each of the grounds set forth herein, Plaintiff Gillespie & Powers, Inc., and Defendants Alcoa Warrick LLC and Kaiser Aluminum Warrick, LLC, respectfully request the Court enter the Agreed Scheduling Order submitted herewith and grant all other just and proper relief.

Dated: January 29, 2025

MARSHALL DENNEHEY, P.C.

/s/ M. Claire McCudden

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